

BEFORE THE FLORIDA JUDICIAL QUALIFICATION COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A  
JUDGE GREGORY P. HOLDER  
NO.: 01-303

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FLORIDA SUPREME COURT  
CASE NO.: SC02-33

**FINDINGS AND RECOMMENDATIONS OF THE FLORIDA JUDICIAL  
QUALIFICATIONS COMMISSION**

Pursuant to Rule 6(j) of the Rules of the Florida Judicial Qualifications Commission, the Commission, through its Investigative Panel, after investigation of the facts and consideration of Judge Holder's answer to formal charges and proposed stipulation, finds the facts to be as set forth in paragraphs one through four of the Notice of Formal Charges. The Commission also finds there to be no dispute of the fact, as set forth in paragraph five of the Notice of Formal Charges, that, on or about May 30, 2001, Judge Holder submitted an application for the position of United States District Judge for the Middle District of Florida in which he answered "no" to the following question:

Disciplinary matters. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee, or other professional group? If so, give particulars.

Upon consideration of the totality of the circumstances of this matter, the Commission cannot determine with any degree of certitude that Judge Holder's answer to this question was intentionally false or misleading. This is because the language of question 19 of the application, referring to "a complaint to any court, administrative agency, bar association, disciplinary committee, or other professional group," is arguably susceptible to the interpretation given it by Judge Holder. Thus, the Commission finds that Judge

Holder might reasonably have construed the term “complaint” in the application, as it relates to the JQC, to be limited to formal charges resulting in the issuance of a notice of investigation pursuant to FJQCR6(b).

By his proposed stipulation, Judge Holder has acknowledged that question 19 of the application he signed is reasonably construed in the manner set forth by the Commission, to include both formal and informal complaints, and Judge Holder therefore admits that his answer to question 19 on the application was incorrect. Judge Holder has likewise apologized for this error and has accepted and adopted the Commission’s construction of this question.

For all the foregoing reasons, the Commission respectfully recommends to this Court that this investigation be resolved by entry of the stipulation attached hereto, which has been adopted and signed by both Judge Holder, his counsel, the Commission and its counsel.

Respectfully submitted

By: \_\_\_\_\_  
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